

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SHERMAN EDWARDS, ID # 13160-078,	§	
	§	
Petitioner,	§	
v.	§	Civil Action No. 3:08-CV-0010-L
	§	
DAVID BERKEBILE,	§	
	§	
Respondent.	§	

ORDER

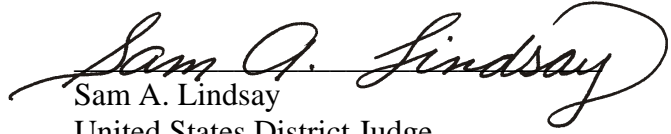
Before the court is Edwards's Petition for Writ of Habeas Corpus, filed January 2, 2008. Pursuant to Special Order 3-251, the petition was referred to United States Magistrate Judge Irma C. Ramirez, on January 2, 2008. On June 23, 2008, the Findings, Conclusions, and Recommendation of the United States Magistrate Judge ("Report") was filed. No objections to the Report have been filed.

This is a habeas petition filed pursuant to 28 U.S.C. § 2241. The magistrate judge found that Petitioner's challenges to 28 C.F.R. §§ 570.20 and 570.21 and Program Statement 7310.04 ("PS 7310.04") are rendered moot by the enactment of the Second Chance Act of 2007, Pub. L. No. 110-199 (Apr. 9, 2008); that because Petitioner's challenges to Program Statement 7320.01 ("PS 7320.01") and the *de facto* policy arising therefrom do not implicate 18 U.S.C. § 3621(b), there is no basis for invalidating them; and that Petitioner is not entitled to habeas relief on his equal protection claim.

Having reviewed the petition, file, record, and the Report in this case, the court determines that the findings and conclusions are correct. The magistrate judge's findings and conclusions are therefore **accepted** as those of the court. The court therefore **denies** Edwards's Petition for Writ of

Habeas Corpus; **dismisses without prejudice** Petitioner's claims seeking to invalidate 28 C.F.R. §§ 570.20 and 570.21 and PS 7310.04; and **dismisses with prejudice** Petitioner's equal protection claim and his claim seeking to invalidate PS 7320.01 and the *de facto* policy arising therefrom.

It is so ordered this 30th day of July, 2008.


Sam A. Lindsay
United States District Judge